

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tadamitsu Kishimoto <i>et al.</i>)	
)	Group Art Unit: 1642
Application No. 10/785,230)	
)	Examiner: Laura B. Goddard
Filed: February 25, 2004)	
)	Confirmation No.: 1453
For: Vascularization Inhibitors)	

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97(c)

Pursuant to 37 C.F.R. 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed to the best of the undersigned's knowledge before the mailing date of a Final Office Action or a Notice of Allowance for the above-referenced application. Under the provisions of 37 C.F.R. 1.97(c), the Commissioner is hereby authorized on the accompanying transmittal form to charge the fee of \$180.00 as specified by 1.17(p) to Deposit Account 50-0310.

Each reference cited in this information disclosure statement was first cited during the opposition proceedings in the corresponding European Patent Application EP 99909307.3. Applicants note that the opposition proceedings also cite to Tachibana *et al.* (1998), which is already of record. Applicants note that this information disclosure statement also lists publications that were cited in the opposition proceedings but that are not prior art to this application. Solely for the Examiner's convenience, Applicants have included these publications.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute prior art. If the Examiner applies any one of the documents as prior art against any claim in the application, and Applicants determine that the cited document does not constitute prior art under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by

this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **December 9, 2009**
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Respectfully submitted
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